PARDALIS & NOHAVICKA, LLP

February 27, 2025

VIA ECF

Hon. Pamela K. Chen United States District Judge Eastern District of New York 225 Cadman Plaza East, Courtroom 4F Brooklyn NY 11201

Re: Estate Of Danila Belov, et. al. v. Consolidated Communications Holdings, Inc., et. al. Case No. 1:25-cv-00297-PKC-JRC

Request for Pre-Motion Conference or Leave to Make a Rule 12(b)(1) Motion to Dismiss Dear Respected District Judge Chen:

We represent Defendant Anirudha, Inc., a New York Domestic Business Corporation, and write pursuant to § 3(A) of Your honor's Individual Practices and Rules, seeking a premotion conference, or leave to make a motion to dismiss pursuant to Fed. R. Civ. Pro. 12(b)(1).

In this wrongful death action, seemingly governed by the state law of Maine, the Plaintiffs seek to invoke federal diversity jurisdiction despite both the decedent and defendant Anirudha being citizens of New York. The complaint alleges that decedent Danila Belov was a resident of Brooklyn, New York. (ECF Doc. 1 ¶ 1). Likewise, the complaint further alleges that Defendants AA Tech and Anirudha are New York business entities. *Id.* at ¶¶ 13, 14. While the complaint alleges that the decedent was a Russian citizen (*id.* at ¶¶ 1, 28), the defendants have good cause to dispute that allegation given that the Petition for Administration filed with the Kings Count Surrogate's Court reports that the decedent is a United States citizen with a home address of 3109 Brighton 7th Street, #1N, Brooklyn, NY 11235. Moreover, the complaint itself

alleges that the decedent formed a United States business and was working in the United States – also suggesting citizenship or lawful permanent residence.

The first page¹ of the Petition for Administration is annexed hereto.

The Complaint erroneously states that this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a). However, the complaint urges that this is based on the citizenship of the decedent or his parents. *Id.* at ¶¶ 16, 17. If the decedent was a United States citizen, as the Personal Representative of the Plaintiff's decedent swore is true in the Surrogate's Court petition, or a permanent resident of the United States, then the Personal Representative is deemed a resident of New York for diversity purposes. 28 U.S.C. § 1332(a)(2), (c)(2). Accordingly, complete diversity does not exist between the parties here, warranting dismissal for want of subject matter jurisdiction.

We thank the Honorable Court for its attention to and consideration of this Application.

Respectfully submitted,

Amedeo Calandriello

cc:

All appearing counsel

¹ Only the first page is provided to remain in conformity with your Honor's three (3) page limit for Pre-Motion Letters. Should this Court require the full Petition, this firm will happily upload the entirety of the documents.

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